

AMENDED IN ASSEMBLY APRIL 15, 2011

AMENDED IN ASSEMBLY MARCH 25, 2011

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 352

Introduced by Assembly Member Eng

February 10, 2011

An act to add Chapter 7.75 (commencing with Section 3550) to Division 2 of the Business and Professions Code, relating to radiologist assistants.

LEGISLATIVE COUNSEL'S DIGEST

AB 352, as amended, Eng. Radiologist assistants.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law also provides for the certification and regulation of radiologic technologists by the State Department of Public Health.

This bill would enact the Radiologist Assistant Practice Act, which would require the licensure and regulation of radiologist assistants by the ~~Radiologist Assistant Committee of the~~ Medical Board of California and would prescribe the services that may be performed by a radiologist assistant under the supervision of a qualified physician and surgeon, as defined. The bill would establish the Radiologist Assistant ~~Committee~~ *Advisory Council* of the Medical Board of California ~~for purposes of implementing the act, the 7 members of which would be appointed by the Governor and require the council to make recommendations to the board concerning the establishment of standards and issuance of approval of programs for radiologist assistants.~~ The bill would require

a radiologist assistant to meet specified licensure and programmatic requirements, including completion of an approved program that is certified by the ~~committee~~ *board*, as specified. The bill would require a radiologist assistant to pay a licensure fee to be set by the ~~committee~~ *board* and deposited into the Radiologist Assistant Fund which would be created by the bill in the State Treasury. The bill would make it a crime for a person to practice as a radiologist assistant or osteopathic radiologist assistant without a license or for a radiologist assistant or osteopathic radiologist assistant to practice outside the scope of his or her practice, as specified, thereby imposing a state-mandated local program. The bill would set forth disciplinary provisions and procedures.

This bill would require the ~~committee~~ *board* to adopt regulations relating to the licensure of radiologist assistants and certification of approved programs by July 1, ~~2012~~ 2013, and would require the ~~committee~~ *board* to commence licensure and certification on that date or as soon as possible thereafter.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 7.75 (commencing with Section 3550)
2 is added to Division 2 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 7.75. RADIOLOGIST ASSISTANTS

6
7 Article 1. General Provisions

8
9 3550. (a) In its concern with the growing shortage and
10 geographic maldistribution of medical imaging health care services
11 in California, the Legislature intends to establish in this chapter a
12 framework for development of a new category of health manpower
13 designated as the radiologist assistant.

(b) The purpose of this chapter is to encourage the more effective utilization of the skills of radiologists *or other qualified physician and surgeons* by enabling them to delegate health care tasks to qualified radiologist assistants where this delegation is consistent with the patient's health and welfare and with the laws and regulations relating to radiologist assistants.

(c) It is also the intent of this chapter to license radiologist assistants and radiologist practitioner assistants and to categorize both groups under the title of radiologist assistant.

(d) This chapter is established to encourage the utilization of radiologist assistants by radiologists *or other qualified physician and surgeons* and to provide that existing legal constraints should not be an unnecessary hindrance to the more effective use of medical imaging health care services. It is also the purpose of this chapter to allow for innovative development of programs for the education, training, and utilization of radiologist assistants.

3550.1. This chapter shall be known and cited as the Radiologist Assistant Practice Act.

3550.2. As used in this chapter:

(a) "Approved program" means a radiologist assistant program or a radiologist practitioner assistant program for the education and training of radiologist assistants that has been formally approved by the ~~committee~~ *board* for the licensure of radiologist assistants.

(b) "Board" means the Medical Board of California.

(c) ~~"Committee"~~ "Council" means the Radiologist Assistant ~~Committee~~ *Advisory Council* of the Medical Board of California.

(d) "Medical imaging" means any procedure intended for use in the diagnosis or treatment of disease or other medical conditions, and includes, but is not limited to, X-rays, nuclear medicine, and other procedures, and that excludes echocardiography and diagnostic sonography.

(e) ~~"Program manager" means the staff manager of the diversion program, as designated by the executive officer of the committee. The program manager shall have background experience in dealing with substance abuse issues.~~

(f)

(e) "Qualified physician and surgeon" means a radiologist or another physician and surgeon supervising a radiologist assistant within his or her specialty or usual and customary practice. A

1 qualified physician and surgeon shall either hold, or be exempt
2 from holding, an operator supervisor permit pursuant to the
3 Radiologic Technology Act, as defined in Section 27 of the Health
4 and Safety Code, for ionizing radiation, fluoroscopy, or the use
5 and handling of nuclear medicine material, as appropriate for
6 procedures that are being supervised.

7 ~~(g)~~

8 (f) “Radiologist” means a physician and surgeon licensed by
9 the board or by the Osteopathic Medical Board of California and
10 certified by, or board-eligible for, the American Board of
11 Radiology.

12 ~~(h)~~

13 (g) “Radiologist assistant” means a person who meets the
14 requirements of Section 3552.2 and the other requirements of this
15 chapter.

16 ~~(i)~~

17 (h) “Radiology practitioner assistant” means a person who is
18 certified by the Certification Board for Radiology Practitioner
19 Assistants.

20 ~~(j)~~

21 (i) “Regulations” means the rules and regulations as contained
22 in the California Code of Regulations.

23 ~~(k)~~

24 (j) “Supervision” means the qualified physician and surgeon is
25 physically present on the premises and available to the radiologist
26 assistant when medical services are rendered and oversees the
27 activities of, and accepts responsibility for, the medical services
28 rendered by the radiologist assistant.

29 3550.3. (a) Notwithstanding any other provision of law, a
30 radiologist assistant licensed pursuant to Section 3552.2 may
31 perform those medical services as set forth by the regulations of
32 the board when the services are rendered under the supervision of
33 a qualified physician and surgeon who meets the requirements of
34 subdivision (a) of Section 3550.4. *Those medical services*
35 *performed by a radiologist assistant shall include, but not be*
36 *limited to, obtaining patient consent prior to beginning an*
37 *examination or procedure and obtaining medical imaging*
38 *necessary for diagnosis and providing initial observations to the*
39 *qualified physician and surgeon.*

(b) (1) A radiologist assistant and his or her qualified physician and surgeon shall establish written guidelines for the adequate supervision of the radiologist assistant. This requirement may be satisfied by the qualified physician and surgeon adopting protocols for some or all of the tasks performed by the radiologist assistant. Radiologist assistants shall not interpret images, make diagnoses, or prescribe medications or therapies. The protocols adopted pursuant to this subdivision shall comply with the following requirements:

(A) A protocol governing procedures shall set forth the information to be provided to the patient, the nature of the consent to be obtained from the patient, the preparation and technique of the procedure, supervision of radiologic technologists by the radiologist assistant in the performance of medical imaging procedures, and followup care.

(B) Protocols shall be developed by the qualified physician and surgeon or adopted from, or referenced to, texts or other sources.

(C) Protocols shall be signed and dated by the qualified physician and surgeon and the radiologist assistant.

(D) Protocols shall be available at each practice site.

(2) Notwithstanding any other provision of law, the board ~~or the committee~~ may establish other alternative mechanisms for the adequate supervision of the radiologist assistant.

(c) A radiologist assistant licensed under this chapter may supervise a radiologic technologist in the performance of medical imaging procedures using fluoroscopy and is exempted from the provisions of Section 107110 of the Health and Safety Code and Section 30463 of Title 17 of the California Code of Regulations.

3550.4. (a) Notwithstanding any other provision of law, a radiologist assistant licensed by the ~~committee~~ *board* shall be eligible for employment or supervision by any qualified physician and surgeon, as defined in subdivision ~~(f)~~ (e) of Section 3550.2. A qualified physician and surgeon shall possess a current and valid license to practice medicine and may not be on disciplinary probation for improper use of a radiologist assistant or subject to a disciplinary condition imposed by the board prohibiting employment or supervision of a radiologist assistant.

(b) No qualified physician and surgeon shall supervise more than two radiologist assistants at any one time.

1 3550.5. (a) Notwithstanding any other provision of law, a
2 radiologist assistant may perform those medical services permitted
3 pursuant to Section 3550.3 during any state of war emergency,
4 state of emergency, or local emergency, as defined in Section 8558
5 of the Government Code, and at the request of a responsible federal,
6 state, or local official or agency, or pursuant to the terms of a
7 mutual aid operation plan established and approved pursuant to
8 the California Emergency Services Act (Chapter 7 (commencing
9 with Section 8550) of Division 1 of Title 2 of the Government
10 Code), regardless of whether the radiologist assistant's qualified
11 physician and surgeon is available to supervise the radiologist
12 assistant, so long as a licensed physician and surgeon is available
13 to render the appropriate supervision. "Appropriate supervision"
14 shall not require the personal or electronic availability of a qualified
15 physician and surgeon if that availability is not possible or practical
16 due to the emergency. The local health officers and their designees,
17 who are licensed as physicians and surgeons, may act as qualified
18 physicians and surgeons during emergencies.

19 (b) No responsible official or mutual aid operation plan shall
20 invoke this section except in the case of an emergency that
21 endangers the health of individuals. Under no circumstances shall
22 this section be invoked as the result of a labor dispute or other
23 dispute concerning collective bargaining.

24 ~~3550.6. (a) A person licensed under this chapter who in good~~
25 ~~faith renders emergency care at the scene of an emergency that~~
26 ~~occurs outside both the place and course of that person's~~
27 ~~employment shall not be liable for any civil damages as a result~~
28 ~~of any acts or omissions by that person in rendering the emergency~~
29 ~~care.~~

30 ~~(b) This section shall not be construed to grant immunity from~~
31 ~~civil damages to any person whose conduct in rendering emergency~~
32 ~~care is grossly negligent.~~

33 ~~(c) In addition to the immunity specified in subdivision (a), the~~
34 ~~provisions of Article 17 (commencing with Section 2395) of~~
35 ~~Chapter 5 shall apply to a person licensed under this chapter when~~
36 ~~acting pursuant to delegated authority from a qualified physician~~
37 ~~and surgeon.~~

38 3550.7.

39 3550.6. No person other than one who has been licensed to
40 practice as a radiologist assistant shall practice as a radiologist

1 assistant or in a similar capacity to a radiologist or hold himself
2 or herself out as a “radiologist assistant.”

3
4 Article 2. Administration
5

6 3551. There is established a Radiologist Assistant ~~Committee~~
7 *Advisory Council* of the Medical Board of California. ~~The~~
8 ~~committee consists of seven members. The board shall create and~~
9 *appoint the council consisting of qualified physician and surgeon*
10 *licensees of the board in good standing, who are not required to*
11 *be members of the board, and members of the public who have an*
12 *interest in radiologist assistant practice. At least one-half of the*
13 *council members shall be radiologist assistants certified by the*
14 *American Registry of Radiologic Technologists or radiology*
15 *practitioner assistants certified by the Certification Board for*
16 *Radiology Practitioner Assistants. The council shall make*
17 *recommendations on matters specified by the board and pursuant*
18 *to Section 3551.7.*

19 3551.1. ~~Protection of the public shall be the highest priority~~
20 ~~for the Radiologist Assistant Committee of the Medical Board of~~
21 ~~California in exercising its licensing, regulatory, and disciplinary~~
22 ~~functions. Whenever the protection of the public is inconsistent~~
23 ~~with other interests sought to be promoted, the protection of the~~
24 ~~public shall be paramount.~~

25 3551.2. ~~(a) The members of the committee shall include a~~
26 ~~member of the board, a physician and surgeon representative of a~~
27 ~~California medical school who is a radiologist, an educator~~
28 ~~participating in an approved program for the education of~~
29 ~~radiologist assistants, a radiologist who is not a member of the~~
30 ~~board, two radiologist assistants, one of whom is certified as a~~
31 ~~radiologist assistant by the American Registry of Radiologic~~
32 ~~Technologists and one of whom is certified by the Certification~~
33 ~~Board for Radiology Practitioner Assistants, and a public member.~~

34 ~~(b) Each member of the committee shall hold office for a term~~
35 ~~of four years expiring on January 1, and shall serve until the~~
36 ~~appointment and qualification of a successor or until one year shall~~
37 ~~have elapsed since the expiration of the term for which the member~~
38 ~~was appointed, whichever first occurs. No member shall serve for~~
39 ~~more than two consecutive terms. Vacancies shall be filled by~~
40 ~~appointment for the unexpired terms.~~

1 ~~(e) The Governor shall appoint each of the members of the~~
2 ~~committee.~~

3 ~~3551.3. The committee shall elect annually a chairperson and~~
4 ~~a vice chairperson from among its members.~~

5 ~~3551.4. Each member of the committee shall receive a per~~
6 ~~diem and expenses as provided in Section 103.~~

7 ~~3551.5. The Governor may remove from office any member~~
8 ~~of the committee, as provided in Section 106.~~

9 ~~3551.6. (a) The committee council may convene from time to~~
10 ~~time as deemed necessary by the committee board.~~

11 ~~(b) The committee shall receive permission of the director to~~
12 ~~meet more than six times annually. The director shall approve~~
13 ~~meetings that are necessary for the committee to fulfill its legal~~
14 ~~responsibilities.~~

15 ~~3551.7. It shall be the duty of the committee council to do all~~
16 ~~of the following:~~

17 ~~(a) Establish standards and issue licenses for approved. Make~~
18 ~~recommendations to the board concerning the establishment of~~
19 ~~standards and issuance of approval for programs.~~

20 ~~(b) Make recommendations to the board concerning the scope~~
21 ~~of practice for radiologist assistants using the guidance of the~~
22 ~~American Society of Radiologic Technologists, the American~~
23 ~~Registry of Radiologic Technologists, the American College of~~
24 ~~Radiology, and the Certification Board for Radiology Practitioner~~
25 ~~Assistants.~~

26 ~~(c) Require the licensure of radiologist assistant applicants who~~
27 ~~meet the requirements of this chapter.~~

28 ~~(d)~~

29 ~~(c) Adopt regulations pursuant to Section 3552.1.~~

30 ~~3551.8. The committee board may adopt, amend, and repeal~~
31 ~~regulations as may be necessary to enable it to carry into effect~~
32 ~~the provisions of this chapter; provided, however, that the board~~
33 ~~shall adopt, amend, and repeal such regulations as may be~~
34 ~~necessary to enable it to implement the provisions of this chapter~~
35 ~~under its jurisdiction. All regulations shall be in accordance with,~~
36 ~~and not inconsistent with, the provisions of this chapter. All~~
37 ~~regulations shall be adopted, amended, or repealed in accordance~~
38 ~~with the provisions of Chapter 3.5 (commencing with Section~~
39 ~~11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

1 ~~3551.9. Four members of the committee shall constitute a~~
2 ~~quorum for transacting any business. The affirmative vote of a~~
3 ~~majority of those present at a meeting of the committee shall be~~
4 ~~required to carry any motion.~~

5 3552. Except as provided in Sections 159.5 and 2020, the
6 ~~committee board~~ shall employ within the limits of the Radiologist
7 Assistant Fund all personnel necessary to carry out the provisions
8 of this chapter, ~~including an executive officer who shall be exempt~~
9 ~~from civil service.~~ The board ~~and committee~~ shall make all
10 necessary expenditures to carry out the provisions of this chapter
11 from the fund established by Section 3553. The ~~committee board~~
12 may accept contributions to effect the purposes of this chapter.

13
14 Article 3. Licensure and Certification
15

16 3552.1. (a) ~~The committee board~~ shall adopt regulations
17 consistent with Sections 3551.7 and 3552.2 for the consideration
18 of applications for licensure as a radiologist assistant.

19 (b) ~~The committee board~~ shall adopt regulations consistent with
20 Sections 3551.7 and 3552.3 for the certification of approved
21 programs.

22 (c) ~~The committee board~~ shall adopt the regulations described
23 in this section no later than July 1, ~~2012~~ 2013.

24 3552.2. Commencing July 1, ~~2012~~ 2013, or as soon as possible
25 thereafter, the ~~committee board~~ shall issue ~~under the name of the~~
26 ~~board~~ a license to each radiologist assistant applicant who meets
27 all of the following requirements:

28 (a) Provides evidence of successful completion of an approved
29 program.

30 (b) Is certified as a radiologist assistant by the American
31 Registry of Radiologic Technologists or as a radiology practitioner
32 assistant by the Certification Board for Radiology Practitioner
33 Assistants.

34 (c) Is certified by the State Department of Public Health as a
35 diagnostic radiologic technologist and holds a radiologic
36 technologist fluoroscopy permit.

37 (d) Is not subject to denial of licensure under Division 1.5
38 (commencing with Section 475) or Section 3554.

39 (e) Pays all fees required under Section 3553.1.

1 3552.3. Commencing July 1, ~~2012~~ 2013, or as soon as possible
2 thereafter, the ~~committee~~ *board* shall ~~approve training programs~~
3 ~~for radiologist assistants housed in academic institutions accredited~~
4 ~~by a regional accrediting organization. The committee may~~
5 ~~recognize the approval of training programs for radiologist~~
6 ~~assistants approved by a national accrediting organization.~~
7 *Radiologist assistant training programs accredited by a national*
8 *accrediting agency approved by the board shall be deemed*
9 *approved by the board under this section. If no national accrediting*
10 *organization is approved by the board, the board may examine*
11 *and pass upon the qualification of, and may issue certificates of*
12 *approval for, programs for the education and training of*
13 *radiologist assistants that meet the board standards. The board*
14 *may examine and issue certificates to approved programs that*
15 *satisfy the requirements of the regulations described in adopted*
16 *pursuant to Section 3552.1.*

17 ~~3552.4. (a) Every radiologist assistant applicant who has~~
18 ~~complied with subdivision (a) of Section 3552.2 and has filed an~~
19 ~~application with the committee may, between the date of receipt~~
20 ~~of notice that the application is on file and the date of receipt of~~
21 ~~his or her license, practice as a radiologist assistant on interim~~
22 ~~approval under the supervision of a qualified physician and~~
23 ~~surgeon. Prior to practicing under interim approval, applicants~~
24 ~~shall notify the committee in writing of any and all qualified~~
25 ~~physicians and surgeons under whom they will be performing~~
26 ~~services. If the applicant fails to take the next succeeding~~
27 ~~certification examination, fails to pass the examination, or fails to~~
28 ~~receive a license, all privileges under this section shall~~
29 ~~automatically cease upon written notification sent to the applicant~~
30 ~~by the committee.~~

31 ~~(b) The~~

32 3552.4. *The applicant shall provide evidence satisfactory to*
33 *the ~~committee~~ board that an application has been filed and accepted*
34 *for the examination and that the organization certifying radiologist*
35 *assistants has been requested to verify the applicant's certification*
36 *status to the ~~committee~~ board in order for the applicant to maintain*
37 *interim approval. The applicant shall be deemed to have failed the*
38 *examination unless the applicant provides evidence to the*
39 *~~committee~~ board within 30 days after scores have been released*
40 *that he or she has passed the examination.*

1 ~~3552.5. (a) The committee may issue under the name of the~~
2 ~~board a probationary license to a radiologist assistant applicant~~
3 ~~subject to terms and conditions, including, but not limited to, any~~
4 ~~of the following conditions of probation:~~

5 ~~(1) Practice is limited to a supervised, structured environment~~
6 ~~where the applicant's activities are supervised by another~~
7 ~~radiologist assistant.~~

8 ~~(2) Continuing medical or psychiatric treatment.~~

9 ~~(3) Ongoing participation in a specified rehabilitation program.~~

10 ~~(4) Enrollment in and successful completion of a clinical training~~
11 ~~program.~~

12 ~~(5) Abstention from the use of alcohol or drugs.~~

13 ~~(6) Restrictions against engaging in certain types of medical~~
14 ~~services.~~

15 ~~(7) Compliance with all provisions of this chapter.~~

16 ~~(b) The committee and the board may modify or terminate the~~
17 ~~terms and conditions imposed on the probationary license upon~~
18 ~~receipt of a petition from the licensee.~~

19 ~~(c) Enforcement and monitoring of the probationary conditions~~
20 ~~shall be under the jurisdiction of the committee and the board.~~

21 ~~(d) These proceedings shall be conducted in accordance with~~
22 ~~Chapter 5 (commencing with Section 11500) of Part 1 of Division~~
23 ~~3 of Title 2 of the Government Code.~~

24 ~~3552.6. The committee shall keep current a register of licensed~~
25 ~~radiologist assistants. This register shall show the name of each~~
26 ~~licensee and his or her last known address of record, including~~
27 ~~those persons practicing under interim approval pursuant to Section~~
28 ~~3552.4. Any interested person may obtain a copy of the register~~
29 ~~in accordance with the Information Practices Act of 1977 (Chapter~~
30 ~~1 (commencing with Section 1798) of Title 1.8 of Part 4 of~~
31 ~~Division 3 of the Civil Code) upon application to the committee~~
32 ~~together with a sum as may be fixed by the committee, which~~
33 ~~amount shall not exceed the cost of the register so furnished.~~

35 Article 4. Revenue

36
37 3553. Within 10 days after the beginning of each calendar
38 month, the board shall report to the Controller the amount and
39 source of all collections made under this chapter and at the same
40 time pay all those sums into the State Treasury, where they shall

1 be credited to the Radiologist Assistant Fund, which fund is hereby
2 created. All money in the fund shall, upon appropriation by the
3 Legislature, be used to carry out the purpose of this chapter.

4 3553.1. Fees to be paid by radiologist assistants for ~~licensure~~
5 *application, licensure*, and renewal shall be set by the ~~committee~~
6 *board* in an amount sufficient to cover the reasonable and necessary
7 costs of implementing and administering this chapter.

8 3553.2. The ~~committee~~ *board* shall report to the appropriate
9 policy and fiscal committees of each house of the Legislature
10 whenever the board approves a fee increase pursuant to Section
11 3553.1.

12 3553.4. (a) All radiologist assistant licenses shall expire at 12
13 midnight of the last day of the birth month of the licensee during
14 the second year of a two-year term if not renewed.

15 (b) The ~~committee~~ *board* shall establish by regulation procedures
16 for the administration of a birth date renewal program, including,
17 but not limited to, the establishment of a system of staggered
18 license expiration dates.

19 (c) To renew an unexpired license, the licensee shall, on or
20 before the date of expiration of the license, apply for renewal on
21 a form provided by the ~~committee~~ *board*, accompanied by the
22 prescribed renewal fee.

23 3553.5. The ~~committee~~ *board* shall require a licensee to
24 complete continuing education, as deemed acceptable by the
25 ~~committee~~ *board*, as a condition of license renewal under Section
26 3553.4. The ~~committee~~ *board* shall not require more than 50 hours
27 of continuing education every two years.

28 3553.6. (a) A suspended license is subject to expiration and
29 shall be renewed as provided in this chapter, but that renewal does
30 not entitle the holder of the license, while it remains suspended
31 and until it is reinstated, to practice or engage in the activity to
32 which the license relates, or engage in any other activity or conduct
33 in violation of the order or judgment by which the license was
34 suspended.

35 (b) A revoked license is subject to expiration as provided in this
36 chapter. If the license is reinstated after expiration, the licensee,
37 as a condition to reinstatement, shall pay a reinstatement fee in an
38 amount equal to the renewal fee in effect on the last preceding
39 regular renewal date before the date on which it is reinstated.

Article 5. Denial, Suspension, and Revocation

3554. (a) ~~The committee~~ *board* may deny, issue with terms and conditions, suspend or revoke, or impose probationary conditions upon a radiologist assistant license ~~after a hearing~~ as required in Section 3554.1 for unprofessional conduct that includes, but is not limited to, *a violation described under Section 2234*, a violation of this chapter, a violation of the Radiologic Technology Act, as defined in Section 27 of the Health and Safety Code, a violation of the applicable regulations adopted by the ~~committee~~ *or the board*, or a breach of an ethics rule established by a recognized national certification organization of radiologist assistants.

(b) ~~The committee~~ *board* may deny, approve with terms and conditions, suspend or revoke, or impose probationary conditions upon an approved program after a hearing as required in Section 3554.1 for a violation of this chapter or the regulations adopted pursuant to this chapter.

~~(c) The committee may deny, approve with terms and conditions, suspend or revoke, or impose probationary conditions upon, a radiologist assistant license, after a hearing as required in Section 3554.1, for unprofessional conduct that includes, except for good cause, the knowing failure of a licensee to protect patients by failing to follow infection control guidelines of the committee, thereby risking transmission of bloodborne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the committee shall consider referencing the standards, regulations, and guidelines of the State Department of Public Health developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other bloodborne pathogens in health care settings. As necessary, the committee shall consult with the board to encourage appropriate consistency in the implementation of this subdivision. The committee shall seek to ensure that licensees are informed of the responsibility of licensees and others to follow infection control guidelines, and of the most~~

1 recent scientifically recognized safeguards for minimizing the risk
2 of transmission of bloodborne infectious diseases.

3 ~~(d)~~

4 (c) The ~~committee~~ *board* may order the licensee to pay the costs
5 of monitoring the probationary conditions imposed on the license.

6 3554.1. Any proceedings involving the denial, suspension, or
7 revocation of the application for licensure or the license of a
8 radiologist assistant or the application for approval or the approval
9 of an approved program under this chapter shall be conducted in
10 accordance with Chapter 5 (commencing with Section 11500) of
11 Part 1 of Division 3 of Title 2 of the Government Code.

12 3554.2. The ~~committee~~ *board* may hear any matters filed
13 pursuant to subdivisions (a) and (b) of Section 3554, or may assign
14 any such matter to a hearing officer. ~~The board may hear any~~
15 ~~matters filed pursuant to subdivision (c) of Section 3554, or may~~
16 ~~assign any such matter to a hearing officer.~~ If a matter is heard by
17 the ~~committee~~ or the board, the hearing officer who presided at
18 the hearing shall be present during the ~~committee's~~ or board's
19 consideration of the case, and, if requested, assist and advise the
20 ~~committee~~ or the board.

21 3554.3. (a) A person whose license has been revoked or
22 suspended, or who has been placed on probation, may petition the
23 ~~committee~~ *board* for reinstatement or modification of penalty,
24 including modification or termination of probation, after a period
25 of not less than the following minimum periods has elapsed from
26 the effective date of the decision ordering that disciplinary action:

27 (1) At least three years for reinstatement of a license revoked
28 for unprofessional conduct, except that the ~~committee~~ *board* may,
29 for good cause shown, specify in a revocation order that a petition
30 for reinstatement may be filed after two years.

31 (2) At least two years for early termination of probation of three
32 years or more.

33 (3) At least one year for modification of a condition,
34 reinstatement of a license revoked for mental or physical illness,
35 or termination of probation of less than three years.

36 (b) The petition shall state any facts as may be required by the
37 board. The petition shall be accompanied by at least two verified
38 recommendations from ~~radiologists~~ *qualified physician and*
39 *surgeons* licensed either by the board or the Osteopathic Medical

1 Board of California who have personal knowledge of the activities
2 of the petitioner since the disciplinary penalty was imposed.

3 (c) The petition may be heard by the ~~committee board~~. The
4 ~~committee board~~ may assign the petition to an administrative law
5 judge designated in Section 11371 of the Government Code. After
6 a hearing on the petition, the administrative law judge shall provide
7 a proposed decision to the ~~committee board~~ that shall be acted
8 upon in accordance with the Administrative Procedure Act.

9 (d) The ~~committee board~~ or the administrative law judge hearing
10 the petition may consider all activities of the petitioner since the
11 disciplinary action was taken, the offense for which the petitioner
12 was disciplined, the petitioner's activities during the time the
13 license was in good standing, and the petitioner's rehabilitative
14 efforts, general reputation for truth, and professional ability. The
15 hearing may be continued as the ~~committee board~~ or administrative
16 law judge finds necessary.

17 (e) The ~~committee board~~ or administrative law judge, when
18 hearing a petition for reinstating a license or modifying a penalty,
19 may recommend the imposition of any terms and conditions
20 deemed necessary.

21 (f) No petition shall be considered while the petitioner is under
22 sentence for any criminal offense, including any period during
23 which the petitioner is on court-imposed probation or parole. No
24 petition shall be considered while there is an accusation or petition
25 to revoke probation pending against the person. The ~~committee~~
26 ~~board~~ may deny, without a hearing or argument, any petition filed
27 pursuant to this section within a period of two years from the
28 effective date of the prior decision following a hearing under this
29 section.

30 (g) Nothing in this section shall be deemed to alter Sections 822
31 and 823.

32 3554.4. A plea or verdict of guilty or a conviction following a
33 plea of nolo contendere made to a charge of a felony or of any
34 offense that is substantially related to the qualifications, functions,
35 or duties of the business or profession to which the license was
36 issued is deemed to be a conviction within the meaning of this
37 chapter. The ~~committee board~~ may order the license suspended
38 or revoked, or shall decline to issue a license when the time for
39 appeal has elapsed, or the judgment of conviction has been affirmed
40 on appeal or when an order granting probation is made suspending

1 the imposition of sentence, irrespective of a subsequent order under
2 the provisions of Section 1203.4 of the Penal Code allowing the
3 person to withdraw his or her plea of guilty and to enter a plea of
4 not guilty, or setting aside the verdict of guilty, or dismissing the
5 accusation, information, or indictment.

6
7 Article 6. Penalties
8

9 3555. Any person who violates Section 3550.3 or ~~3550.7~~
10 ~~3550.6~~ shall be guilty of a misdemeanor punishable by
11 imprisonment in the county jail not exceeding six months, or by
12 a fine not exceeding one thousand dollars (\$1,000), or by both.

13 3555.5. Whenever any person has engaged in any act or practice
14 that constitutes an offense against this chapter, the superior court
15 of any county, on application of the board, may issue an injunction
16 or other appropriate order restraining the conduct. Proceedings
17 under this section shall be governed by Chapter 3 (commencing
18 with Section 525) of Title 7 of Part 2 of the Code of Civil
19 Procedure. The board ~~or the committee~~ may commence action in
20 the superior court under the provisions of this section.

21
22 Article 7. Osteopathic Radiologist Assistants
23

24 3557. (a) Notwithstanding any other provision of law, qualified
25 physicians and surgeons licensed by the Osteopathic Medical Board
26 of California may use or employ radiologist assistants provided
27 (1) each radiologist assistant so used or employed is a graduate of
28 an approved program and is licensed by the ~~committee~~ *board*, and
29 (2) the scope of practice of the radiologist assistant is the same as
30 that which is approved by the Medical Board of California ~~or the~~
31 ~~committee~~ for radiologist assistants in the same or similar specialty.

32 (b) Any person who violates subdivision (a) shall be guilty of
33 a misdemeanor punishable by imprisonment in a county jail not
34 exceeding six months, or by a fine not exceeding one thousand
35 dollars (\$1,000), or by both that imprisonment and fine.

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

O